

REMARKS

This is a Corrected Amendment in response to the Office Action of September 19, 2006. The status identifier for claim 31 has been changed herein to (New) as required by said Office Action.

Claims 1-10, 12, 14-16, 18, 20-23 and 25-31 are pending in this application. Claims 27 and 29 are amended. New claims 30 and 31 are added herein.

The Objection to the Claims

Claim 27 is objected to for lacking proper antecedent basis. This claim has been amended to recite “an edge” rather than “the edge” as suggested by the Examiner. Reconsideration and withdrawal of the objection are respectfully requested.

The Rejection of the Claims

Claims 1-10, 12, 14-16, 18 20-23 and 25-28 are rejected under 35 U.S.C. §103(a) as being obvious over Kaiser et al., U.S. Patent No. 5,936,842 in view of Buchele et al. GB 2,069,767 and further in view of Iha et al., U.S. Patent No. 4,653,565.

Kaiser et al. is directed to a housing for electric drive units for garage doors. The housing includes two housing parts having latching means comprising latching elements integral with the housing parts and guide elements for connection of the housing parts.

Buchele et al. is directed to a modular housing for junction and distributor boxes.

Applicant respectfully submits that the Office Action does not present a *prima facie* case for obviousness. The Examiner has the burden of proving that a *prima facie* case for obviousness exists. See e.g., MPEP 2142. Three criteria define the *prima facie* case for obviousness:

1. The Examiner must demonstrate that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings;
2. The Examiner must demonstrate that combining these teaches will result in a reasonable expectation of success; and
3. The Examiner must show that all limitations are found or suggested in the prior art.

In the present case, outside of the *improper* use of the present specification, there is no suggestion in the cited references to combine the teachings of Buchele with those of Kaiser et al. or Iha et al.

It is acknowledged on page 3 of the Office Action that Kaiser et al. fails to teach a housing extension detachably connectable with an exact fit on front, rear and lateral sides of a base body as recited in the presently claimed invention. Iha et al. is cited for allegedly disclosing recesses in the housing of a garage door opener, but does not cure the deficiency of Kaiser et al. Kaiser et al. and Iha et al. are directed to garage door openers. But neither of these references suggest the advantage of a modular constructed housing, i.e., a housing extension detachably

connectable with an exactly fit on front, rear and lateral sides of a base body as recited in the presently claimed invention.

Buchele et al. is directed to modular housing for DIN-junction boxes and comprising several components snap-fitted together to form a base for a socket matrix and various lid elements 5a, 5b, 5c that can be snapped together in any desirable fashion. The Buchele et al. reference is from a field unrelated to Kaiser et al. and Iha et al. One skilled in the art would not look to Buchele et al. to remedy the deficiencies in Kaiser et al. or Iha et al. While Buchele discloses a modular housing for junction and distributor boxes for exchange and switchboard equipment, there is no suggestion in this reference, or in the Kaiser et al. and Iha et al. references, to combine modular construction with housings for gate and garage door drives. Thus, criterion (1) above for establishing a *prima facie* case for obviousness is not met. Accordingly, there is not sufficient basis for this rejection. Claim 1 and all claims depending therefrom are submitted to be allowable over the cited prior art. Reconsideration and withdrawal of the rejection are respectfully requested.

The Allowable Claim

Claim 29 is objected to for depending from a rejected base claim but is deemed to contain allowable subject matter. Accordingly, claim 29 is amended herein to be placed in independent format and is now submitted to be allowable.

The New Claims

New claims 30 and 31 are added herein.

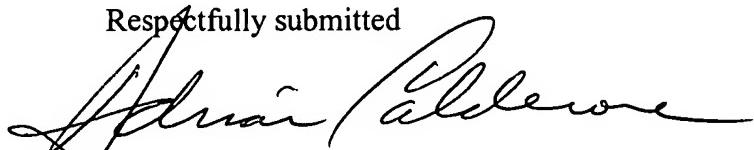
Independent claim 30 is of broader scope than Claim 29 but also recites the mounting claw situated on an inner surface of front and rear end parts and arranged to receive and grip a respective overlapping part upon coupling to provide additional stability and rigidity, which is deemed to be allowable subject matter. Accordingly, claim 30 is submitted to be allowable.

Claim 31 is similar to claim 28 but depends from claim 2.

CONCLUSION

For at least the reasons stated above all of the pending claims are submitted to be in condition for allowance, the same being respectfully requested.

Respectfully submitted



Adrian T. Calderone
Reg. No. 31,746
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
Tel: (516) 228-8484
Fax: (516) 228-8516